

Section 7

(The following copied by Miss Margaret Snow and Miss Dorothy Snow in 1935. This was copied from the original, now in the Archives in Augusta, Maine. (SGS Jr. Dec. 28, 1981).

COUNCIL REPORT no. 17 1831 Inclosure

Report on Indian Affairs

Petition of John Neptune and Joseph

SocBasin Penobscot tribe.

To His Excellency, Governor Smith and the honorable Council.
We the subscribers, John Neptune, Lieutenant Governor & Joseph SocBasin, Delegate come here in behalf of the Penobscot Tribe of Indians & by leave, with the greatest respect, to present our statements & requests. The English people & we belong to the same great family & have one Heavenly Parent; & we & they equally love life. We now lift our eyes to you for help & encouragement.

1. There is an Island, called Shad Island, & some small ones near it, which belong to the Indians, lying just below Old town Island, where there are great conveniences for our Indians to take fish in the fishing season. We wish to have the whole right, of taking fish within six rods on the east side & four rods on the southerly & westerly sides of Shad Island, up as far as to the foot of Old town Island; & if anybody except Indians takes fish within the limits mentioned, he may be forced to pay five dollars.

2. There are the Islands, westerly of Mount Desert, not far from Naskeag point in Sedgwick, called White island, Black Island, and Wawkeag Island, which the Indians have always had used for candery stoping & fishing. But lately some whitemen

have come upon the Islands, built one house there & say to us,
they will not let the Indians haul up their canoes, there;
nor camp nor do any thing else there any more. We pray that
all white people may be told to go away from these three
Islands, & let the Indians use them, as their fathers have
always done.

3. Certainly, Governor King & his good Council told us, the very year this was made a New State, that his new-formed Government would always do the same towards us as Old Massachusetts had made agreements to do. Now what they said pleased us all very well. We believed every word. Before that time, old Massachusetts gave the tribe two hundred & fifty dollars, every year, to pay our Priest. We want teaching now; Religion is good. So Old Massachusetts gave our Chiefs money to pay expenses for waiting on the Governor & Great Council at Boston; & we must request that fifty Dollars be allowed us, who have both come on purpose to see your honors & tell you our stories & complaints.

4. In ten years, now past, a great deal of our good timber has been taken away; yet we have not received much money; nor do we know what has become of it. We need it all very much. We pray that all the agents for the Indians may settle immediately; tell us how many dollars they take for looking after our affairs; & pay us the money due us, which we want very much indeed. We wish a single new agent appointed, and no more; one is enough. Because if there be more than one;

then more money will be taken to pay & neither do the work so well, we wish him to be appointed for only one year; & if he do well, then let him be appointed another year; & so again & again; if he be a good man, Let him give good bonds to keep a written account of every day he works for us; to settle on oath at the end of the year; & to pay us immediately all the money due us, after taking out what your honors say will pay him, we wish him to live somewhere about as near us as Bangor, & please take a smart sharp-eyed man, no owner of sawmills; no logging man; no trader.

5. All the Island in Penobscot River, from Old Town upwards belong to our Tribe; yet white people cut the timber & grass on some of them & pay nothing. Their cattle & sheep eat up all the Indians plants; thus they are so hurt & discouraged, they think they will never work more. Now we pray that all our Islands may be preserved and kept for the use of us, especially as far up the West Branch as opposite Moosehead Lake. Up the Piscataquis to Broad Eddy; & up the East Branch to its head or first ponds; So that if any body's creatures be found upon our Islands doing any damage or injury, they may be treated & their owners prosecuted, just as if we were white people. Indians now can raise nothing bad men & their cattle do us so much evil.

6. Upon the border or margin of Oldtown Island & Orson Island, & among other small islands of ours among them; the white people land and fasten a great many rafts, which plagues

us very much indeed. Now we pray our agent to be empowered to take for every thousand feet of boards or other lumber landed & fastened to said Islands two cents, for any log one cent, & if the rafts lay there two months there be paid half as much more; & if they lay there four months, then be paid double; all be paid at the beginning of the said periods; & if not so paid, the Indians shall be blameless, if they set the rafts adrift.

7. The Great Boom above Sunkhays deprives us of several Islands, spoils others by soaking them & throwing the flood wood upon them; & as the owners make a great deal of money; so we pray they give up the Islands to the Indians, as our rights, or pay us twenty dollars every year. One more thing we pray, that all the men that do us wrong be brought to justice by the agent suing always in the Name of the State this makes these fear. All this is important business to us; & we humbly pray for help & relief.

Portland

his mark

Jany 25 1831

John X Neptune

Lieut Govn

His

Joseph Soc X Basin

mark Delegate.

SGS/mp

Section 8

State of Maine.

In Council, Jan'y. 25. 1831.

The committee on Indian Affairs, to which was committed the petition of John Neptune, Lieut. Gov. and Joseph Lee Barin, Delegate from the Penobscot Tribe of Indians, - have attended to the subject of said petition and other complaints of said Indians - and ask leave to report, as the opinion of the committee, that it is the duty of the Indian Agent to attend to the rights of said Indians, - to see that there are no encroachments made by the white upon the Indian lands, their fishing and other privileges, and generally to attend to all the reasonable complaints of said Indians and see that justice be done them. —

Said committee further report, that the sum of fifty dollars is necessary, to pay the expenses of said Lieut. Gov. and Delegate, to and from and while remaining at the seat of government, attending to the concerns of their tribe.

William Emerson — J. W. Orman.

In Council January 26. 1831.

This report on being read was accepted by the Council and by the Governor approved.

Attest

Rosee. G. Greene Secretary of State

State of Maine

In Council, January 26, 1831

The Committee on Indian Affairs, to which was committed the petition of John Neptune, Lieut. Gov., and Joseph SocBasin Delegates from the Penobscot Tribe of Indians, have attended to the subject of said petition and other complaints of said Indians and ask leave to report, as the opinion of the committee, that it is the duty of the Indian Agent to attend to the rights of said Indians, to see that there are no encroachments made by the whites upon the Indian Islands, their fishing and other privileges, and generally to attend to all the reasonable complaints of said Indians and see that justice be done them.

Said committee further report that the sum of fifty dollars is necessary to pay the expenses of said Lieut. Gov. and Delegate to and from and while remaining at the seat of government attending to the concerns of their tribe.

William Emerson

In Council January 26, 1931.

This report on being read was accepted by the Council and by the Governor approved.

Attest

Roscoe G. Greene Secretary of State

Section 9

*Press Release
by Cohen March 13, 1980*

Summary of the Proposed
Maine Indian Land Claims Settlement

The purpose of this outline is to summarize the essential elements of the proposed Indian Land Claims Settlement Agreement. The Agreement consists of three basic elements, including:

(1) An agreement between the State and the Indian Tribes, to be enacted by the Maine Legislature as a Private and Special Law (hereafter called "The Maine Implementing Act"), specifying in detail the laws that will be applicable to Indians and Indian lands in Maine;

(2) Purchase options running from certain landowners to the Maine Indians in which the landowners have agreed to sell at fair market value 300,000 acres of land to the Tribes; and

(3) A bill to be enacted by Congress and known as the Maine Indian Claims Settlement Act of 1980 (hereafter referred to as "The Settlement Act") extinguishing the land claims compensating the Indians for their claim and ratifying the Maine Implementing Act.

I. The Maine Implementing Act.

A. The basic principle of the Maine Implementing Act is that all Indians and Indian lands in Maine are subject to State laws to the same extent as other persons and lands within Maine, except with respect to the Passamaquoddy Tribe and Penobscot Nation to whom are accorded certain rights of self-rule.

B. The Maine Implementing Act creates "Passamaquoddy Indian Territory" and "Penobscot Indian Territory."

1. The respective Territories include both the Tribal Reservations and lands acquired under the settlement but only if in unorganized territory of the State. Lands acquired under the settlement but located in existing cities, towns, plantations or villages are not accorded any special status by the Maine Implementing Act.

2. Although the Indian Territories include the Reservations, the terms "Territory" and "Reservation" are not synonymous and should not be confused.

a. The Passamaquoddy Reservation includes only the current Reservation and any lands reserved to the Passamaquoddy Tribe by the "Treaty" of 1794 and which are hereafter reacquired by the Tribe.

b. The Penobscot Reservation includes only Indian Island and the islands in the Penobscot northward thereof that existed in 1818 (some currently existing islands upstream, such as Gero Island in Chesuncook Lake, did not exist in 1818 but are the result of subsequent flooding, and any islands reserved) to the Penobscot Nation by the "Treaty" of 1818 and which are hereafter reacquired by the Penobscot Nation.

3. The boundaries of Indian Territories as set by the Maine Implementing Act can be changed only with later legislative approval.

4. The exercise of State eminent domain within Indian Territory is somewhat limited.

Section 10

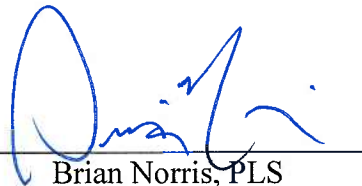
AFFIDAVIT

Now comes Brian Norris, who deposes and states, under oath, as follows:

1. My name is Brian Norris. I am Vice President of Surveying & GPS at James W. Sewall Company in Old Town, Maine.
2. I am a Professional Land Surveyor, and I have studied and/or been employed in the field of Surveying and Mapping since 1979.
3. Based upon my review of the *Journal and Plans of Survey by Joseph Treat (1820)* ("1820 Treat Survey") in comparison to present day maps of the Penobscot River's west branch, to the best of my professional knowledge, information and belief, it is my opinion that:
 - a. the 3 peninsulas shown lying southerly of the town of East Millinocket and on the south side of the river, the most westerly of which is shown near the label "SUBSTATION" on the 1988 USGS Topographic Quadrangle attached hereto as *Exhibit 1* are, more likely than not, the 3 islands in the circled area on page 36 of the 1820 Treat Survey, attached hereto as *Exhibit 2*.
 - b. "Pond Falls Island," as shown and circled on the 1988 USGS Topographic Quadrangle attached hereto as *Exhibit 3*, is, more likely than not, the island marked with an "x" on the easterly side of the circled area on page 38 of the 1820 Treat Survey, attached hereto as *Exhibit 4*.
 - c. Jerry Brook, as shown and circled on the 1988 USGS Topographic Quadrangle attached hereto as *Exhibit 3*, is, more likely than not, the brook shown flowing into the river from the north within the circled area on page 38 of the 1820 Treat Survey, attached hereto as *Exhibit 4*.
4. The 1820 Treat Survey sketches were originally prepared with north pointing down the page. For ease of discussion regarding this affidavit, the attached Treat Survey sketches have been inserted upside down so that the sketches are oriented the same as the other attached exhibit maps.
5. Based upon my review of the "Plan of Seboois Township in Number 1 R 7, Surveyed in 1823" ("1823 Seboois Plan"), attached hereto as *Exhibit 5*, and the 1988 USGS Topographic Quadrangle, attached hereto as *Exhibit 6*, to the best of my professional knowledge, information and belief, it is my opinion that Lowell Island and Doe Island, as shown in *Exhibit 6*, are, more likely than not, the same islands as those shown labeled as "L" and "D" on the 1823 Seboois Plan (present day spelling is Seboeis).

18 AUG 2000

Date


Brian Norris, PLS

State of Maine
Penobscot S.S.

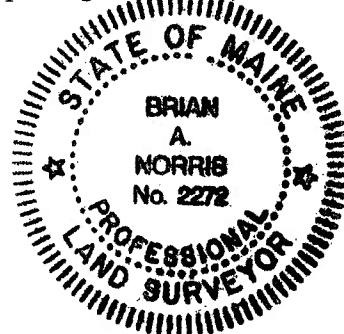
Personally appeared the above-named Brian Norris, who stated, under oath, that the above statements are true upon his own personal knowledge, information, or belief, before me,

Dated:

8/18/2000

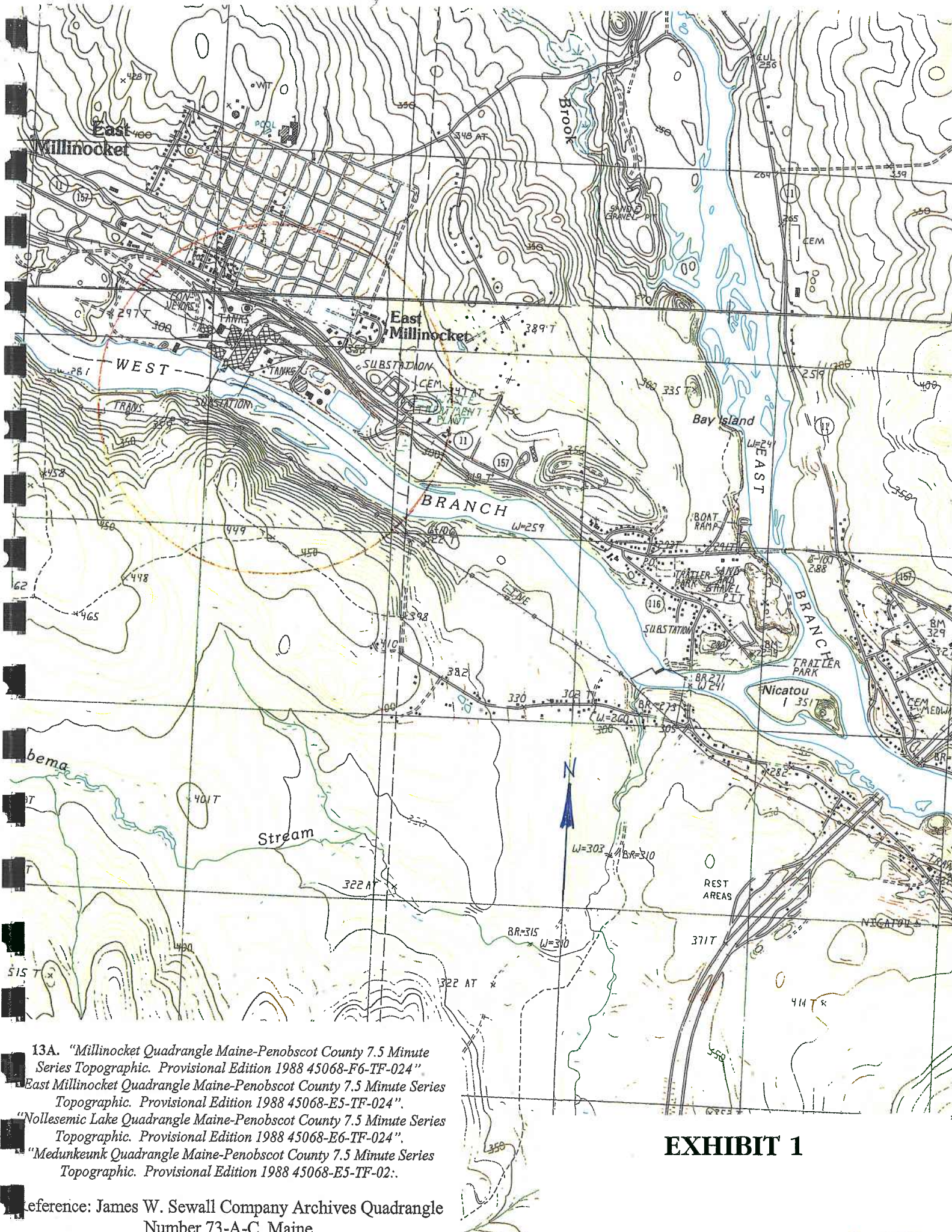
Alfred F. Heald, Jr., Notary Public
State of Maine

My Commission Expires 7/14/2007



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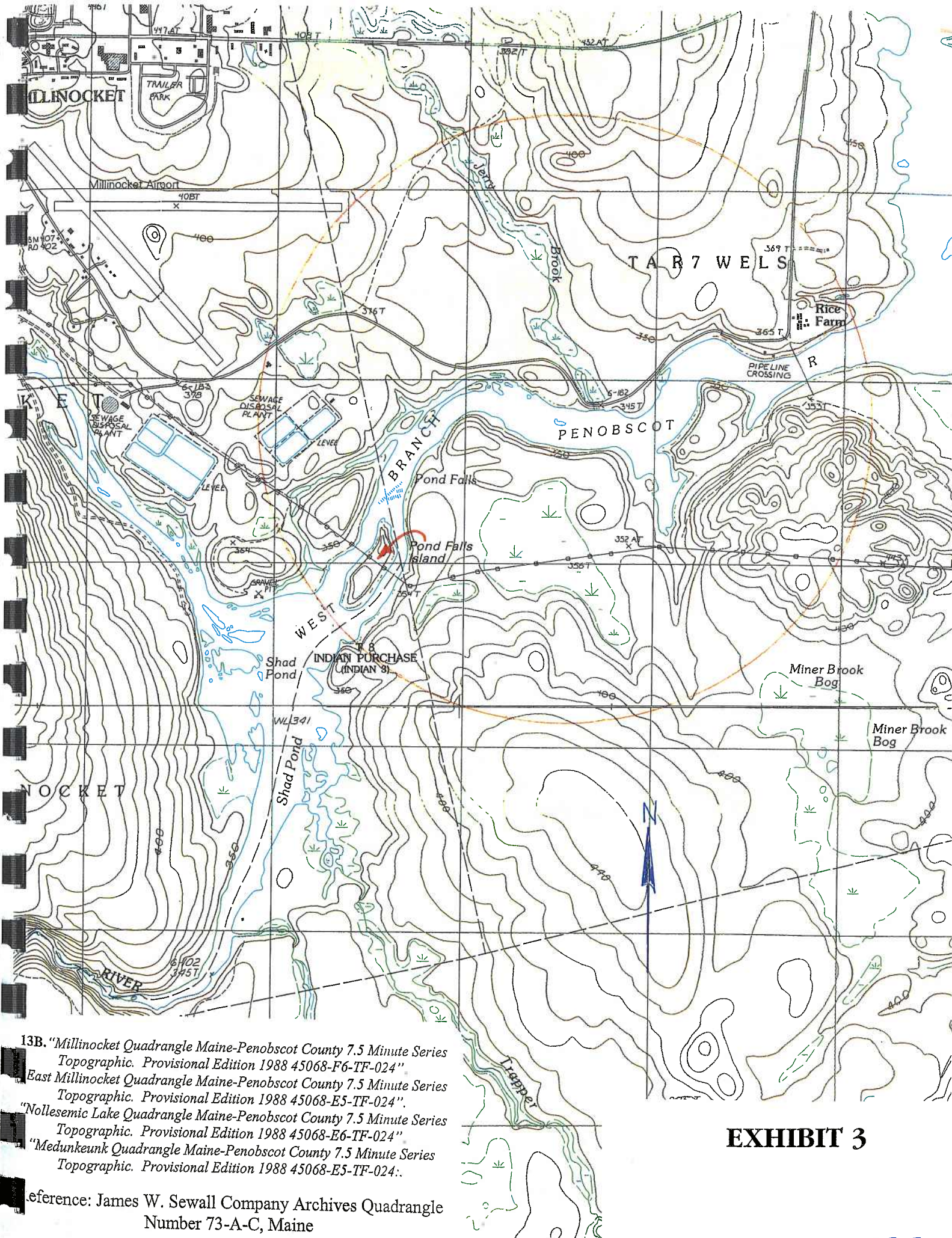

Notary Public



13A. "Millinocket Quadrangle Maine-Penobscot County 7.5 Minute Series Topographic. Provisional Edition 1988 45068-F6-TF-024"
 "East Millinocket Quadrangle Maine-Penobscot County 7.5 Minute Series Topographic. Provisional Edition 1988 45068-E5-TF-024".
 "Nollesemic Lake Quadrangle Maine-Penobscot County 7.5 Minute Series Topographic. Provisional Edition 1988 45068-E6-TF-024".
 "Medunkeunk Quadrangle Maine-Penobscot County 7.5 Minute Series Topographic. Provisional Edition 1988 45068-E5-TF-024".

Reference: James W. Sewall Company Archives Quadrangle Number 73-A-C, Maine

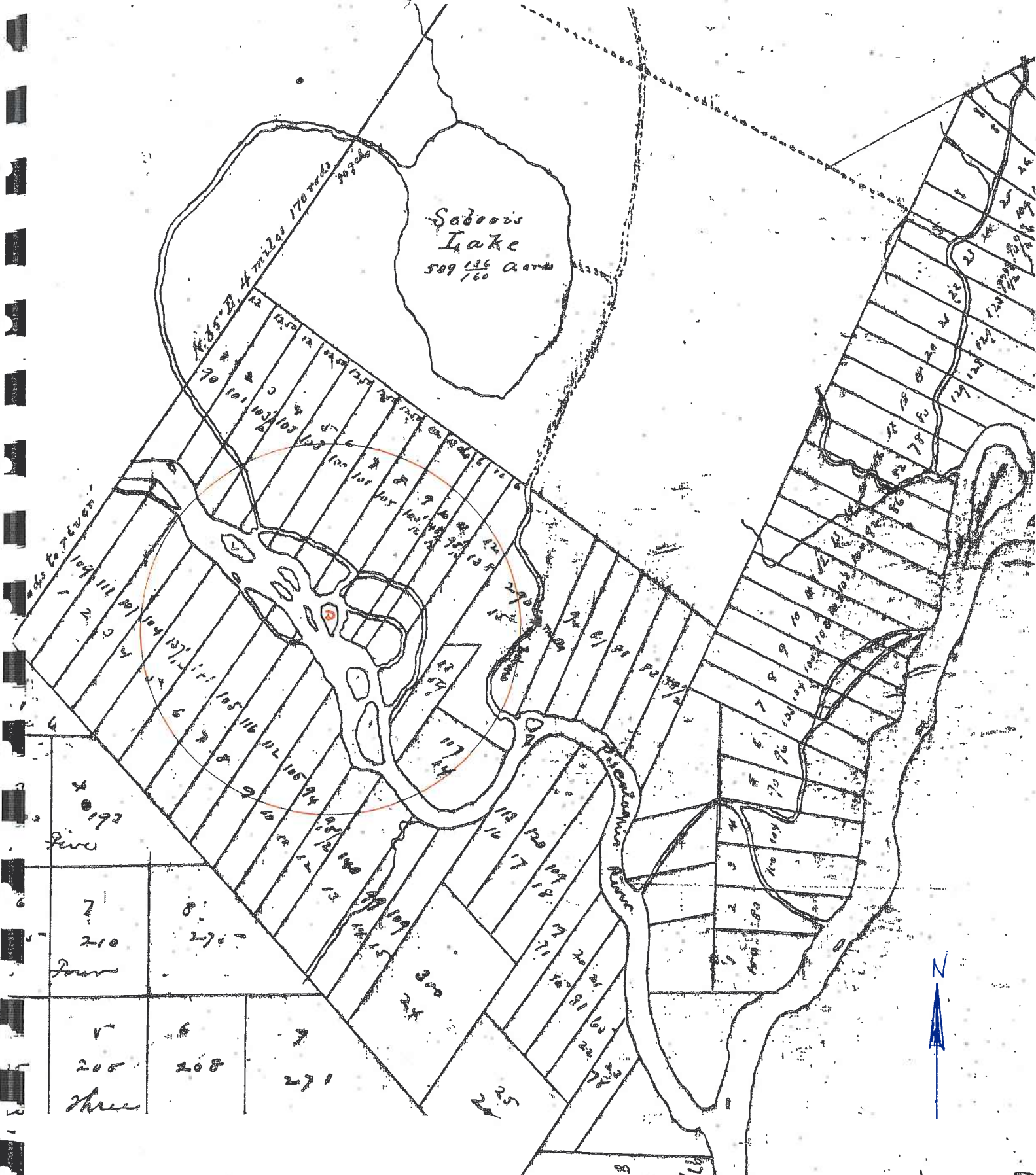
EXHIBIT 1



13B. "Millinocket Quadrangle Maine-Penobscot County 7.5 Minute Series Topographic. Provisional Edition 1988 45068-F6-TF-024"
 East Millinocket Quadrangle Maine-Penobscot County 7.5 Minute Series Topographic. Provisional Edition 1988 45068-E5-TF-024".
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Reference: James W. Sewall Company Archives Quadrangle Number 73-A-C, Maine

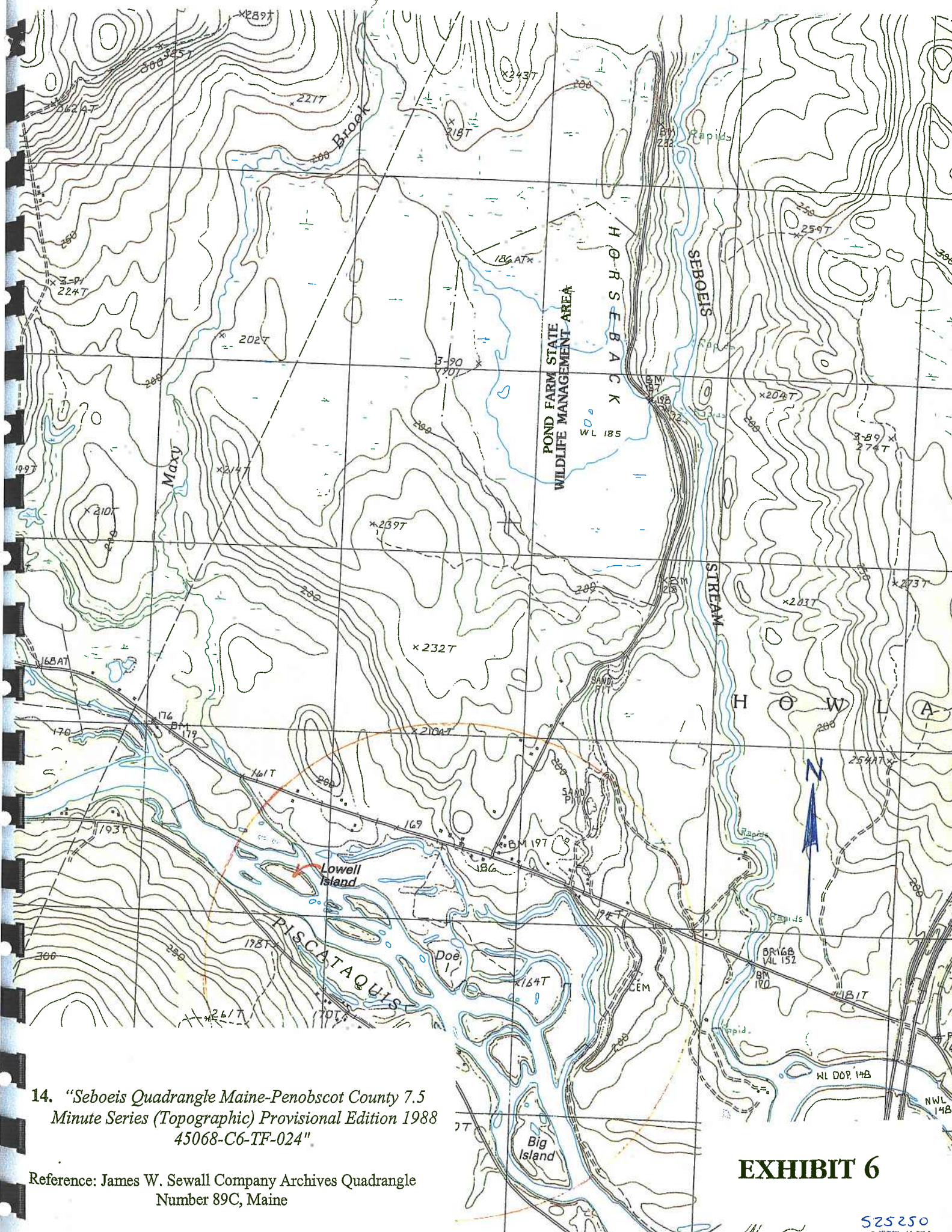
EXHIBIT 3



4. "Plan of Seboois Township in Number 1 R 7 surveyed in 1823
 Rufus Gilmore, Rec'd February 28, 1828, Entered and compared by
 Sterns Davis Reg. Copied Sept 18 1872 by Noah Barker. Copied
 from above Dec 1883 by J. Sewall".

Reference: James W. Sewall Company Archives File G016.

EXHIBIT 5



14. "Seboeis Quadrangle Maine-Penobscot County 7.5 Minute Series (Topographic) Provisional Edition 1988 45068-C6-TF-024"

Reference: James W. Sewall Company Archives Quadrangle Number 89C, Maine

EXHIBIT 6

525250